

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
VANDOULAKIS d/b/a  
YOUR WAY PRODUCE TRUCKING and  
YOUR WAY TRUCKING,

Civil No. 13-cv-4281

**ANSWER**

Plaintiff,

-against-

LANSKY'S OPERATING CORPORATION  
d/b/a LANSKY'S, 185 COLUMBUS  
OPERATING CORP. d/b/a JALAPENO,  
BOMBOLONI CAFÉ, and DAVID RUGGIERO,  
individually,

Defendants.

-----X

Defendants, 185 Columbus Operating Corp. and David Ruggiero, by their attorneys, the Law Offices of Bruce Levinson, as and for their answer to the complaint, state as follows:

1. Deny each and every allegation set forth in paragraphs 15 through 22, 24, 26, 28, 31, 32, 35 and 36 through 39.
2. Lack knowledge or information sufficient to form a belief as to the allegation set forth in paragraphs 1 through 4 and 12.
3. Deny each and every allegation set forth in paragraph 5, accept admit that defendant 185 Columbus Operating Corp. is a New York corporation which operates a retail restaurant that bought produce from plaintiff.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

4. The complaint fails to state a cause of action.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

5. The complaint does not state a cognizable claim under the Perishable Agricultural Commodities Act. Among other things, plaintiff failed to preserve any statutory trust rights it might have had on its invoices to the answering defendants.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

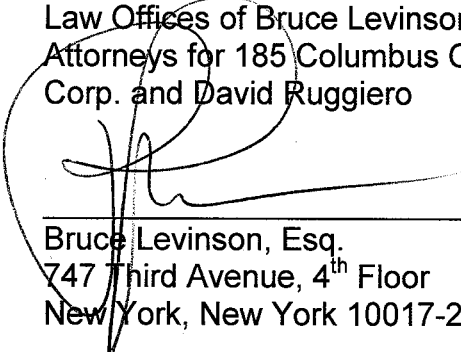
6. The answering defendants are not subject to the Perishable Agricultural Commodities Act.

WHEREFORE, the answering defendants demand judgment dismissing the complaint and awarding them costs, disbursements, reasonable attorney's fees, and such other and further relief as the Court deems just and proper.

Dated: New York, New York  
October 4, 2013

Law Offices of Bruce Levinson  
Attorneys for 185 Columbus Operating  
Corp. and David Ruggiero

By:

  
\_\_\_\_\_  
Bruce Levinson, Esq.  
747 Third Avenue, 4<sup>th</sup> Floor  
New York, New York 10017-2803

To: Cynthia Attard, Esq.  
Attard & Associates, P.C.  
Attorneys for Plaintiff  
475 Main Street, Suite 1F  
Farmingdale, New York 11735